

Drinking Water and Clean Water Advisory Council  
**DRAFT** Meeting Notes  
Wednesday, September 8, 2021 – GoTo Meeting

The meeting began at 10:00 a.m.  
Total attendees: 81

**1/ Welcome and opening remarks – Carey Johnson, Director, Division of Water**

- The meeting is being recorded and will be posted on the Division of Water website.
- *Approval of June 2021 meeting minutes* – correction noted – a comment attributed to Kim Padgett was made by Kay Sanborn  
Motion to approve amended June 2021 minutes: Kim Padgett; 2<sup>nd</sup> – Wesley Syndor  
Passed by consensus
- *PFAS* – discussed DEP efforts to determine baseline impacts. The drinking water study is completed and will be available on the website when finalized. The data is available by Open Records Request. The 2-phase study will include drinking water and wastewater analyses of sludge and fish tissue. DOW continues to monitor the actions of other states. \*\* Peter T. Goodmann (LWC) noted that the EPA recently approved wastewater PFAS methodology.
- *WOTUS* – EPA and the Corps are currently engaging in a 2-phase rulemaking. With the recent decision by a federal district court in the 9<sup>th</sup> Circuit, DOW reverted to the pre-2015 *Rampanos* rule which gives the Corps and its districts wider latitude in determining jurisdictional waters. The EPA and Corps have assured the DOW of a robust rulemaking process.
- *LCRR* – becomes effective in December 2021, and compliance in 2024. DOW and larger systems have discussed implementation, and a large data management exercise is planned due to the volume and variety of information that the rule requires. Based on discussions with the EPA, the DOW does not anticipate any changes to the rule.
- *Infrastructure* – DOW expects substantial additional funding; estimates from ACWA and ASDWA are in the \$400 – 500M range. Currently strategizing implementation, however, there are more potential projects than available funding. \*\* Wesley Syndor noted in the GoTo Meeting Chat that MSD drafted a letter in support of the infrastructure bill and invited interest in co-signers.
- *2021 Triennial Review* – comments ended in early August. Any revisions to 401 KAR Chapter 10 (Water Quality Standards) will be filed in 2022 and there will be ample time for additional input.

Added to agenda:

- *Legislation and Regulations* – the DOW is working on potential changes to KRS Chapter 151 during the 2022 regular legislative session. Revisions would primarily bring language up to industry standards, and would require Emergency Action Plans for High Hazard (loss of life) and Significant Hazard (loss of major infrastructure) dams. The DOW has had internal discussions about needed revisions in 401 KAR Chapters 4, 5, 8, and 10, and the draft Nutrient Reduction Strategy should be available for comment soon.

**2/ Division of Water and Division of Compliance Assistance Updates**

- *Sarah Gaddis, Environmental Scientist Consultant, Director's Office* – explained her role and is working on system-specific projects including economic development, wet fiber cable (communications cables that are passed through water lines), and PSC overlaps with DOW.
- *Jory Becker, Manager, DOW Water Infrastructure Branch* – reiterated the importance of the Drinking Water Needs Survey to inform EPA fund allocation; about 50% of the 70 systems to which the survey applies have responded. The biggest challenge is identifying lead service line

inventories. The Clean Water Needs Survey will be distributed next year. The Drinking Water Capacity Development Strategy is in draft form. SRFs are balancing three concurrent funding cycles – closing out the past cycle, working on the current cycle, and preparing for the coming cycle. The coming guidance adds 5 points for cybersecurity. There are 469 projects (\$701M) in 109 counties identified for \$250M in available Rescue Plan funds. \*\*Sandy Williams (KIA) noted that the current infrastructure bill would send \$660M to Kentucky over the next 5 years - 342M for all eligible projects, 78M for emerging contaminants, and 247M for lead remediation. Call for projects for the 2022 cycle will be Sept 15 – Dec 15.

- *Constance Coy, Manager, Field Operations Branch* – discussed the virtual and online resources being used in the field, and the continuing efforts to facilitate communications between systems and NGO resources. Torrential rainfall and flash flooding have become more the norm than raw rainfall with high water, so new drone capabilities are also being deployed, most recently in Nicholas County. \*\* Carey Johnson noted that the DEP is working with the Corps to update rain indices based on data collected in the 1990s and published in the early 2000s. Extended an invitation to the Governor’s Conference on October 20 & 21 which will feature the latest technology the cabinet is using including drones, remote sensing, and a new Agriculture Water Quality tool.
- *Jason Hurt, Manager, Surface Water Permits Branch* –the branch has issued 1400 final decisions to date and has 3 new permit writers in training. Pretreatment, CSO, and MS4 inspections remain virtual. The DOW expects conversion of IP forms to eForms within one year; the pretreatment annual report form should be available by the end of this year with training available.
- *Alicia Jacobs, Manager, Drinking Water Branch* – identified data management as a top priority, and discussed eForm development and weekly Wednesday blog. Invited attendees to submit ideas for information to share during Source Water Protection Week (Sept 26 – Oct 2). In the absence of a Compliance Supervisor, contact Alicia or Joe Uliasz, and new CCR contact is Courtnei Edwards who is updating system contact information.
- *Jessica Wilhoite, Supervisor, Division of Compliance Assistance* – there are currently 4 testing events per month at the EEC building (September dates cancelled due to rising COVID-19 numbers have been rescheduled); available dates through December 2021 are on the website. All current training is free and virtual. Those who sign up for testing receive links to training videos; examinees who watch the videos, and who take advantage of open, 2-hour Monday study sessions are achieving higher scores than in the past. BJ Bland has joined as a new trainer, and DCA anticipates hiring another new trainer with the retirement of Dennis Mitch.

### **3/ Subcommittee status and reports – Carey Johnson**

- *Lead In Drinking Water Ad Hoc Committee (Amy Stoffer)* - next meeting is October 11 when the group will review updated ground rules, and the purpose and goals of workgroup. All 12 members have been identified, 8 subgroups are looking for volunteers, and 29 stakeholders indicated interest. The LCRR becomes effective on December 16, 2021, and compliance on October 16, 2024.
- *Infrastructure Sustainability (Gerald Wuetcher)* - draft strategy was distributed yesterday (comments due by September 21), and the group will meet before the end of the month to discuss current draft. The Asset Management and Water Loss workgroups need DOW guidance regarding issues for the workgroup to address. Water Loss hasn’t met since March 2020 (pandemic onset) when it was gathering info on appropriate ways to measure water loss that may be more appropriate in comparison to the PSC benchmark.

- *Source Water Protection (Matt Glass)* – the group plans to meet this fall to discuss objectives and future meeting dates. Source Water Protection Week is September 26 through October 2. DOW is going to use social media to promote SWP and share available materials, coordinated by DOW staff Dale Booth and Chloe Brantley. Attendees are invited to share stories about SWP. \*\* Carey Johnson noted that ORSANCO is exploring non-traditional funding sources for SWP, such as the Farm Bill and National Resource Conservation Service.
- *Operator Recruitment & Development (Valerie Lucas)* – outreach resulted in 16 members who plan to examine Kentucky’s water workforce by partnering with the Kentucky Water Resources Research Institute to develop, distribute, and analyze a survey in the next 6 to 9 mos.

Added to agenda:

- *Compliance & Regulations (Kim Padgett)* – collaborating on data management ideas, looking at the actions of other states, and developing a guidance for DBP Distribution System Evaluation and site selection. Next meeting is October 26.
- *Nutrients (Brian Bingham)* – has not met recently but will send out information in the next month. \*\* Carey Johnson noted that each committee needs to have a DOW or DEP co-chair to facilitate communication, and administrative and other support, and asked that Josiah Frey serve as the DOW co-chair since he is leading the development of the draft Nutrient Reduction Strategy.

#### **4/ Open discussion –Carey Johnson**

- Funding – Reiterate that sources other than SRFs should be explored and considered, including the Kentucky Brownfields initiative, FEMA for building resilient infrastructure program (\$3.5B available for repetitive flood mitigation, and the Farm Bill. DOW can help link resources based on the priorities and needs of the system.
- Governor’s Conference – October 20 and 21.
- Invitation to present information at the next DWAC-CWAC meeting (December 14, 2021)
- While the pandemic prevented DOW staff from personally attending the Water Professionals Conference, virtual settings have greatly increased public meeting attendance – the Triennial Review public listening session, and the DWAC-CWAC meetings, have seen far better attendance than in the past
- *Donna McNeil* – KWRRRI Symposium will be on Monday, September 13, at Griffin Gate in Lexington. COVID-19 safety precautions will be implemented and 80 – 100 attendees are registered.

#### **Upcoming Meetings:**

December 14, 2021

2022 meeting dates: March 8, June 14, September 13, and December 13

The meeting adjourned at 11:32 a.m.